

Calendar No. 1621

86TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 1558

ANDREW RERECICH AND HIS WIFE, GERMANA RERECICH

JUNE 13, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3083]

The Committee on the Judiciary, to which was referred the bill (S. 3083) for the relief of Andrew Rerecich and his wife, Germana Rerecich, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Andrew Rerecich and his wife, Germana Rerecich. The bill provides for appropriate quota deductions and for the payment of the required visa fees.

STATEMENT OF FACTS

The beneficiaries of the bill are husband and wife, and they are 38- and 37-year-old natives and citizens of Yugoslavia, respectively. They have two daughters, 10 and 5 years of age, who are U.S. citizens. The male beneficiary entered the United States on April 26, 1948, as a seaman, and the female beneficiary entered the United States on April 29, 1948, without inspection. Their applications for adjustment of status under section 4 of the Displaced Persons Act of 1948 were denied because of the manner of their entry. They were granted a stay of deportation on October 31, 1956, which was withdrawn on August 18, 1958, on the ground they had failed to establish they would

be subject to physical persecution if deported to Yugoslavia. The male beneficiary's parents are U.S. citizens and two brothers and two sisters are lawful residents. The female beneficiary has one sister who is a lawful resident of the United States. The committee feels that because of the beneficiaries' long residence in this country, and the very difficult adjustment which their two school-age U.S. citizen children would face in a strange country with a different language, and the close parental ties of the male beneficiary, that the bill warrants favorable consideration.

A letter, with attached memorandum, dated May 5, 1960, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 5, 1960.

A-9948328.

A-10135561.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3083) for the relief of Andrew Rerecich and his wife, Germana Rerecich, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Newark, N.J., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ANDREW RERECICH
AND HIS WIFE, GERMANA RERECICH, BENEFICIARIES OF
S. 3083

The beneficiaries are natives and citizens of Yugoslavia. Andrew Rerecich was born December 23, 1921, and his spouse, Germana, nee Nicolich, was born March 2, 1923. They attended elementary school for 6 years in Yugoslavia. The male beneficiary is employed as a benchworker in a gear factory and earns approximately \$5,700 per annum. His spouse is a housewife. They reside in Palisades Park, N.J. Their assets consist of real estate valued at \$23,000, with a \$11,000 mortgage outstanding, a savings account with a balance of \$1,500 and personal property valued at \$4,000.

The beneficiaries were married on November 28, 1946, in Unie, Pola, Yugoslavia. Their two daughters, Lorraine, age 10 years, and Janice, age 5 years, were born in the United

States. The male beneficiary has testified that his parents are citizens and residents of the United States. He has two brothers and two sisters who are lawful permanent residents of the United States. One remaining sister resides in Yugoslavia. The female beneficiary has testified that she has one sister who is a lawful permanent resident of the United States. Her mother and another sister reside in Yugoslavia. The only other surviving member of her immediate family is a brother who resides in Australia.

The male beneficiary entered the United States on April 26, 1948, at Norfolk, Va., as a seaman and deserted his vessel. On March 5, 1952, he filed an application to adjust his immigration status pursuant to the provisions of section 4 of the Displaced Persons Act of 1948, as amended. This application was denied on October 8, 1953, on the ground that he was not a nonimmigrant at the time of his last entry into the United States. Deportation proceedings were instituted on October 3, 1955, on the ground that, after admission as a seaman, the beneficiary failed to comply with the conditions of his admission. At his deportation hearing, the beneficiary applied for suspension of deportation but this relief was denied because the beneficiary had not only entered the United States illegally, but had deliberately, by the payment of money, arranged for the illegal entry of his wife as a stowaway. He was found deportable and an order was entered on June 8, 1956, granting him the privilege of voluntary departure with an alternate order of deportation in the event he fails to depart when required. His appeal from this decision was dismissed by the Board of Immigration Appeals, on September 6, 1956.

The female beneficiary entered the United States on April 29, 1948, at New York, N.Y., as a stowaway on the SS *Saturnia*. Her application for adjustment of status under section 4 of the Displaced Persons Act of 1948, as amended, was returned to her because, having entered as a stowaway, she was prima facie ineligible for adjustment of status under the provisions of this act. Deportation proceedings were instituted on May 21, 1952, on the ground that the beneficiary, at the time of her entry, was an immigrant not in possession of the required documents and because, at the time of entry, she was a stowaway. She was found deportable, after a hearing, and an order was entered on April 27, 1953, denying her application for suspension of deportation and ordering her deported. On appeal, the outstanding order of deportation was ordered withdrawn by the Board of Immigration Appeals on July 8, 1953, and she was granted the privilege of voluntary departure with an alternate order of deportation in the event she fails to depart when required. She applied for a stay of deportation on the ground that she would be subject to physical persecution if returned to Yugoslavia. This application was denied on February 12, 1954, because she failed to establish that she would be subject to physical persecution if deported to Yugoslavia.

On October 31, 1956, an order was entered deferring action and staying deportation to July 1, 1957, in the case of Yugoslav nationals who had filed, or will file, bona fide applications to withhold deportation to Yugoslavia, on the ground that they would be subject to physical persecution if deported to that country. The male beneficiary submitted such an application on December 4, 1956. On June 14, 1957, a further stay of deportation to January 1, 1958, was ordered and on February 1, 1958, the order deferring action in these cases was withdrawn and they were remanded for further consideration. The beneficiaries were interrogated on their applications on July 7, 1958. The applications were denied on August 18, 1958, on the ground that they had failed to establish that they would be subject to physical persecution if deported to Yugoslavia.

Senator Clifford P. Case, the author of the bill, submitted the following information in support of the bill:

NEWARK, N.J., *January 21, 1960.*

Senator CLIFFORD P. CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I have hesitated ever asking you to introduce on behalf of any of my clients, a private bill, only because I knew the stringent rules that the Senate Judiciary Committees have with respect to private bills.

But I would like to present the enclosed set of facts referring to Andrew Rerecich and his wife Germana, which present a very distressing case and which may find, I believe, in the Judiciary Committee some favorable interest, following an investigation by it with the Immigration Service.

Mr. and Mrs. Rerecich are the parents of two children who are U.S. citizens, born here and who are minors. I enclose the facts on each and all the administrative steps taken. At the present time they are under a warrant of deportation. The probability they will be deported, depends entirely upon the Yugoslavian consulate who may issue to them a Yugoslavian passport. If they do, then of course they are in hot water.

But, before that happens, I think that this matter can be adjusted by a private bill, as some similar cases have been in the last few years.

I would be very grateful to you if you would take this matter under consideration.

Cordially yours,

AMERIGO D'AGOSTINO,
Counselor at Law.

FACTS

(File A-9948328)

Name: Andrew Rerecich.

Born: December 23, 1921, in Unie (Lisinpiccolo) Yugoslavia.

Family status: Married; two children born in the United States; one on December 25, 1949, and the other on May 22, 1955. Wife entered as a stowaway on April 29, 1948.

He entered the United States on April 26, 1948, at Norfolk, Va., on the SS *Guiliano* as a seaman under section 3(5) of the Immigration Act of 1924.

He originally left Yugoslavia on January 1947 for Trieste. He lived in Trieste from January 1947 to April 1948.

Has a father in the United States who is a naturalized citizen. Also has a brother, Domenick Rereich and a sister, Orlena Del Conti who reside in the United States.

February 28, 1952: Application made for adjustment under the Displaced Persons Act.

September 1, 1953: Application for adjustment denied on the grounds that applicant did not enter the United States lawfully.

June 8, 1956: Application for suspension of deportation denied due to the fact that he did not reveal names of persons with whom he had dealt in order to have his wife enter the United States and thus did not merit the extraordinary relief of Suspension of Deportation. (He stated that he did not know the names of these people). Granted voluntary departure on this date.

September 6, 1956: Appeal on above decision filed but was dismissed by the Board of Immigration Appeals.

November 26, 1956: Final order of deportation issued.

November 30, 1956: Application for stay of deportation filed.

December 19, 1956: Order of deportation stayed until July 1, 1957.

September 30, 1957: Action deferred and deportation stayed until January 1, 1958.

May 21, 1958: Ordered that order deferring action on stay of deportation be withdrawn and case remanded for further consideration under 8 CFR 243.3(b)(2).

July 7, 1958: Hearing on application for stay of deportation held.

August 25, 1958: Application for stay of deportation denied by immigration because of applicant's failure to establish that they would be subjected to physical persecution if returned to Yugoslavia. Presently under warrant of deportation.

FACTS

(File A-10135561)

Name: Germana Rerecich.

Born: March 2, 1923, in Unie, Yugoslavia.

Family status: Married; two children born in the United States; one born December 25, 1949, and the other on May 22, 1955. She entered the United States as a stowaway on April 29, 1948, on the SS *Saturnia*, at New York.

February 28, 1952: Application for adjustment under displaced persons act filed.

May 20, 1952: Advised not eligible for adjustment as she entered as a stowaway.

May 21, 1952: Warrant of arrest issued.

April 28, 1953: Application for suspension of deportation denied on the grounds that she was not in possession of a valid immigration visa. Ordered deported.

April 29, 1953: Appeal filed.

July 16, 1953: Order of deportation withdrawn and voluntary departure granted until September 16, 1953, with provision that if she does not depart by this date, order of deportation be reinstated and executed.

February 7, 1957: Stay of deportation deferred and deportation stayed until July 1, 1957.

August 19, 1957: Action deferred and deportation to Yugoslavia, stayed until January 1, 1958.

May 9, 1958: Order deferring action on application for stay of deportation withdrawn and case remanded for further consideration under 8 CFR 243.3(b)(2).

June 12, 1958: Hearing on application for stay of deportation held. Presently under Warrant of deportation.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3083) should be enacted.

○